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Attorneys for Plaintiff
RICHARD SCHWARTZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD SCHWARTZ,

Plaintiff,

v.

BERKELEY HISTORICAL SOCIETY,

Defendant.

No. C05-01551 JCS

STIPULATION OF DISMISSAL WITH
PREJUDICE AND ~~PROPOSED~~
ORDER

Date: September 9, 2005
Time: 1:30 p.m.
Courtroom: Courtroom A, 15th Floor
Judge: Honorable Joseph C. Spero

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their
respective counsel, that this matter be, and hereby is, dismissed with prejudice, each party to

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bear its own costs and attorneys' fees.

Dated: August 5, 2005.

KAYE SCHOLER LLP

HOWARD RICE NEMEROVSKI
CANADY FALK & RABKINEL

By: /s/
Thomas A. Smart


By: /s/
Shannon Scott

Attorneys for Plaintiff
RICHARD SCHWARTZ

Attorneys for Defendant
BERKELEY HISTORICAL SOCIETY

Dated: _Aug. 9, 2005

SO ORDERED:



Honorable Joseph C. Spero

KAYE SCHOLER LLP

I, Thomas A. Smart, hereby attest, pursuant to N.D. General Order No. 45, that the concurrence to the filing of this document has been obtained from the other signatory hereto.

Dated: August 5, 2005.

/s/

Thomas A. Smart

Attorney for Plaintiff RICHARD SCHWARTZ

KAYE SCHOLER LLP